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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,304	09/30/2003	You-Seung Jin	9898-302	8176

7590 07/09/2004  
MARGER JOHNSON & McCOLLOM, P.C.  
1030 S.W. Morrison Street  
Portland, OR 97205

EXAMINER

ABRAHAM, FETSUM

ART UNIT PAPER NUMBER

2826

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## DETAILED ACTION

### *Election/Restrictions*

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-8,17-19 drawn to a MOSFET, classified in class 257, subclass 350.
- II. Claims 9-16,20-23 drawn to making a MOSFET, classified in class 438, subclass 152.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the etching process to make said recess could have been formed to forming said gate conductive layer pattern. To the alternative, said epitaxial layer could have been processed in claim 17 before assembling said gate conductive layer pattern.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fetsum Abraham whose telephone number is: 571-272-1911. The examiner can normally be reached on 8:00 - 18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J Flynn can be reached on 571-272-1915.

  
Fetsum Abraham/7/1/04